

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____ Chapter 11

Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Kirby Construction Group, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 82-2666457

4. Debtor's address Principal place of business

5365 Dividend Drive, Suite F
Decatur, GA 30035

Number, Street, City, State & ZIP Code

DeKalb
County

Mailing address, if different from principal place of business

P.O. Box 1926
Conyers, GA 30012

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) _____

6. Type of debtor

- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 Partnership (excluding LLP)
 Other. Specify: _____

Debtor

Kirby Construction Group, LLC

Name

Case number (if known) _____

7. Describe debtor's business**A. Check one:**

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
 Railroad (as defined in 11 U.S.C. § 101(44))
 Stockbroker (as defined in 11 U.S.C. § 101(53A))
 Commodity Broker (as defined in 11 U.S.C. § 101(6))
 Clearing Bank (as defined in 11 U.S.C. § 781(3))
 None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
 Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
 Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

Check one:

- Chapter 7
 Chapter 9
 Chapter 11. **Check all that apply:**

- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11**. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
 A plan is being filed with this petition.
 Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
 The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
 The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

If more than 2 cases, attach a separate list.

 No. Yes.

| | | |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |

Debtor Kirby Construction Group, LLC
Name

Case number (if known) _____

- 10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**
- No
 Yes.

List all cases. If more than 1, attach a separate list

Debtor _____ Relationship _____
District _____ When _____ Case number, if known _____

- 11. Why is the case filed in this district?** Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
 A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

- 12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?**

 No Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention? (Check all that apply.)**

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
 What is the hazard? _____
 It needs to be physically secured or protected from the weather.
 It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
 Other _____

Where is the property?

Number, Street, City, State & ZIP Code _____

Is the property insured? No Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

- 13. Debtor's estimation of available funds**

Check one:

 Funds will be available for distribution to unsecured creditors. After any administrative expenses are paid, no funds will be available to unsecured creditors.

- 14. Estimated number of creditors**

 1-49
 50-99
 100-199
 200-999 1,000-5,000
 5,001-10,000
 10,001-25,000 25,001-50,000
 50,001-100,000
 More than 100,000

- 15. Estimated Assets**

 \$0 - \$50,000
 \$50,001 - \$100,000
 \$100,001 - \$500,000
 \$500,001 - \$1 million \$1,000,001 - \$10 million
 \$10,000,001 - \$50 million
 \$50,000,001 - \$100 million
 \$100,000,001 - \$500 million \$500,000,001 - \$1 billion
 \$1,000,000,001 - \$10 billion
 \$10,000,000,001 - \$50 billion
 More than \$50 billion

- 16. Estimated liabilities**

 \$0 - \$50,000 \$1,000,001 - \$10 million \$500,000,001 - \$1 billion

Debtor

Kirby Construction Group, LLC

Name

Case number (*if known*) _____

- | | | |
|--|---|--|
| <input type="checkbox"/> \$50,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$500,000 <input checked="" type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion |
|--|---|--|

Debtor

Kirby Construction Group, LLC

Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2023
MM / DD / YYYY

X /s/ Andrew C. Kirby, Jr.

Signature of authorized representative of debtor

Andrew C. Kirby, Jr.

Printed name

Title Manager

18. Signature of attorney

X /s/ Paul Reece Marr GA Bar #

Signature of attorney for debtor

Date September 13, 2023

MM / DD / YYYY

Paul Reece Marr GA Bar # 471230

Printed name

Paul Reece Marr, P.C.

Firm name

6075 Barfield Road

Suite 213

Sandy Springs, GA 30328-4402

Number, Street, City, State & ZIP Code

Contact phone (770) 984-2255

Email address paul.marr@marrlegal.com

GA Bar # 471230 GA

Bar number and State

Fill in this information to identify the case:

Debtor name Kirby Construction Group, LLC

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets–Real and Personal Property* (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- Schedule H: Codebtors* (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- Amended Schedule*
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2023

X /s/ Andrew C. Kirby, Jr.

Signature of individual signing on behalf of debtor

Andrew C. Kirby, Jr.

Printed name

Manager

Position or relationship to debtor

Fill in this information to identify the case:

| | |
|---|---|
| Debtor name | Kirby Construction Group, LLC |
| United States Bankruptcy Court for the: | NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION |
| Case number (if known): | _____ |

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

| Name of creditor and complete mailing address, including zip code | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, and government contracts) | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim | | |
|--|--|---|--|-----------------------------------|---|-----------------|
| | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Mikeitz Realty (Snapfinger GA) c/o Dalfen Ind. - S. Cantrell 5607 Glenridge Dr. Ste 460 Atlanta, GA 30342 | | premises lease arrearage | | | | \$20,294.64 |
| Wells Fargo Bank PO Box 51174 Los Angeles, CA 90051-5474 | | line of credit | | | | \$17,594.77 |
| Hardware Resources c/o Transworld Systems Inc. 500 Virginia Drive, Suite 514 Fort Washington, PA 19034 | | account payable | | | | \$9,785.54 |
| Build.com #3700 c/o DAL, Inc. PO Box 162 Clifton Heights, PA 19018 | | account payable | | | | \$9,313.18 |
| Citibank PO Box 790411 Saint Louis, MO 63179 | | Home Depot Commercial Revolve credit card | | | | \$8,404.40 |
| Internal Revenue Service (CIO) PO Box 7346 Philadelphia, PA 19101-7346 | | payroll withholding and unemployment tax | | | | \$6,425.20 |

Debtor Kirby Construction Group, LLC
Name

Case number (if known)

| Name of creditor and complete mailing address, including zip code | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim | | |
|--|--|---|--|-----------------------------------|---|-----------------|
| | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Wex Bank c/o Frontline Asset Strategies 2700 Snelling Ave N, Ste 450 Saint Paul, MN 55113 | | account payable | | | | \$6,031.64 |
| Color Schemes Corporation 321 Vineyard Drive Athens, GA 30607 | | account payable | | | | \$5,450.00 |
| Artistic Builders Supply Ace Hardware 963 Buford Dr C Lawrenceville, GA 30043 | | account payable | | | | \$5,209.00 |
| Southern Wholesale Flooring Co 955 Cobb Place Blvd NW Kennesaw, GA 30144 | | account payable | | | | \$4,996.23 |
| Armstong Relocation Services 6950 Business Court Atlanta, GA 30340 | | account payable | | | | \$4,926.17 |
| Spanh & Rose Lumber Company 1100 Rockdale Road Dubuque, IA 52003-7875 | | account payable | | | | \$4,251.44 |
| Rosen Materials c/o Vericore 10115 Kincey Avenue, Suite 100 Huntersville, NC 28078-6482 | | account payable | | | | \$3,133.90 |
| Robert Kirby 570 Brown Church Road Social Circle, GA 30025 | | wages | | | | \$3,099.94 |
| Atlanta Specialty Millworks 1360 Logan Cir NW Atlanta, GA 30318 | | account payable | | | | \$3,048.30 |

Debtor Kirby Construction Group, LLC
Name

Case number (if known) _____

| Name of creditor and complete mailing address, including zip code | Name, telephone number and email address of creditor contact | Nature of claim (for example, trade debts, bank loans, professional services, | Indicate if claim is contingent, unliquidated, or disputed | Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim. | | |
|---|--|---|--|--|---|-----------------|
| | | | | Total claim, if partially secured | Deduction for value of collateral or setoff | Unsecured claim |
| Houzz Legal Dept. 285 Hamilton Avenue, 4th Floor Palo Alto, CA 94301 | | Pro-Services Agreement | Disputed | | | \$2,514.00 |
| Sherwin Williams Paint 1561 Highway 138 SE Conyers, GA 30013-1278 | | account payable | | | | \$2,338.42 |
| Interceramic Inc. c/o CST World Wide PO Box 224768 Dallas, TX 75222-4768 | | account payable | | | | \$2,285.27 |
| Panet Peterson 206 Bond Drive Ellenwood, GA 30294 | | wages | | | | \$1,670.28 |
| Kendal Campbell 318 Caruthers Ave Hohenwald, TN 38462 | | wages | | | | \$1,337.66 |

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION**

Case number (if known) _____

Check if this is an amended filing

**Official Form 206Sum
Summary of Assets and Liabilities for Non-Individuals**

12/15

Part 1: Summary of Assets

1. Schedule A/B: Assets-Real and Personal Property (Official Form 206A/B)

1a. Real property:

Copy line 88 from *Schedule A/B*..... \$ **0.00**

1b. Total personal property:

Copy line 91A from *Schedule A/B*..... \$ **93,076.93**

1c. Total of all property:

Copy line 92 from *Schedule A/B*..... \$ **93,076.93**

Part 2: Summary of Liabilities

2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)

Copy the total dollar amount listed in Column A, *Amount of claim*, from line 3 of *Schedule D*..... \$ **489,897.38**

3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)

3a. Total claim amounts of priority unsecured claims:

Copy the total claims from Part 1 from line 5a of *Schedule E/F*..... \$ **6,425.20**

3b. Total amount of claims of nonpriority amount of unsecured claims:

Copy the total of the amount of claims from Part 2 from line 5b of *Schedule E/F*..... +\$ **167,976.04**

4. Total liabilities

Lines 2 + 3a + 3b

\$ **664,298.62**

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

Check if this is an amended filing

Official Form 206A/B

Schedule A/B: Assets - Real and Personal Property

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents

1. Does the debtor have any cash or cash equivalents?

No. Go to Part 2.

Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor

Current value of debtor's interest

3. **Checking, savings, money market, or financial brokerage accounts (Identify all)**

Name of institution (bank or brokerage firm) Type of account

Last 4 digits of account number

| | | | |
|------------------------|-----------------|-------------|--------------------|
| 3.1. <u>QuickBooks</u> | <u>checking</u> | <u>7688</u> | <u>\$22,021.70</u> |
|------------------------|-----------------|-------------|--------------------|

| | | | |
|------------------------------|-----------------|-------------|-------------------|
| 3.2. <u>Wells Fargo Bank</u> | <u>checking</u> | <u>7619</u> | <u>\$8,417.39</u> |
|------------------------------|-----------------|-------------|-------------------|

| | | | |
|------------------------------|----------------|-------------|---------------|
| 3.3. <u>Wells Fargo Bank</u> | <u>savings</u> | <u>6079</u> | <u>\$0.01</u> |
|------------------------------|----------------|-------------|---------------|

| | | | |
|------------------------------|-----------------|-------------|---------------|
| 3.4. <u>Wells Fargo Bank</u> | <u>checking</u> | <u>4434</u> | <u>\$0.00</u> |
|------------------------------|-----------------|-------------|---------------|

4. **Other cash equivalents (Identify all)**

5. **Total of Part 1.**

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$30,439.10

Part 2: Deposits and Prepayments

6. Does the debtor have any deposits or prepayments?

No. Go to Part 3.

Yes Fill in the information below.

Debtor Kirby Construction Group, LLC _____ Case number (*If known*) _____
Name _____

7. **Deposits, including security deposits and utility deposits**
Description, including name of holder of deposit

security deposit with landlord Mikeitz Realty (Snapfinger Georgia) ADA Compliant

| | |
|---------------------------------|-------------------|
| 7.1. <u>Limited Partnership</u> | <u>\$4,200.00</u> |
|---------------------------------|-------------------|

8. **Prepayments, including prepayments on executory contracts, leases, insurance, taxes, and rent**
Description, including name of holder of prepayment

9. **Total of Part 2.** _____ **\$4,200.00**
Add lines 7 through 8. Copy the total to line 81.

Part 3: Accounts receivable

10. Does the debtor have any accounts receivable?

- No. Go to Part 4.
 Yes Fill in the information below.

11. **Accounts receivable**

| | | | | |
|---------------------------|-----------------|---|------------------------------------|-------------------|
| 11a. 90 days old or less: | 6,034.90 | - | 0.00 = | \$6,034.90 |
| | face amount | | doubtful or uncollectible accounts | |

| | | | | |
|------------------------|------------------|---|------------------------------------|---------------|
| 11b. Over 90 days old: | 13,202.10 | - | 13,202.10 =.... | \$0.00 |
| | face amount | | doubtful or uncollectible accounts | |

12. **Total of Part 3.** _____ **\$6,034.90**
Current value on lines 11a + 11b = line 12. Copy the total to line 82.

Part 4: Investments

13. Does the debtor own any investments?

- No. Go to Part 5.
 Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. Does the debtor own any inventory (excluding agriculture assets)?

- No. Go to Part 6.
 Yes Fill in the information below.

| General description | Date of the last physical inventory | Net book value of debtor's interest (Where available) | Valuation method used for current value | Current value of debtor's interest |
|---------------------|-------------------------------------|---|---|------------------------------------|
|---------------------|-------------------------------------|---|---|------------------------------------|

19. **Raw materials**

20. **Work in progress**

21. **Finished goods, including goods held for resale inventory** _____ Unknown _____ \$1,306.93

22. **Other inventory or supplies**

Debtor Kirby Construction Group, LLC _____ Case number (*If known*) _____
Name _____

23. **Total of Part 5.** _____ **\$1,306.93**

Add lines 19 through 22. Copy the total to line 84.

24. **Is any of the property listed in Part 5 perishable?**

- No
 Yes

25. **Has any of the property listed in Part 5 been purchased within 20 days before the bankruptcy was filed?**

- No
 Yes. Book value _____ Valuation method _____ Current Value _____

26. **Has any of the property listed in Part 5 been appraised by a professional within the last year?**

- No
 Yes

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. **Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**

- No. Go to Part 7.
 Yes Fill in the information below.

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. **Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**

- No. Go to Part 8.
 Yes Fill in the information below.

| | General description | Net book value of debtor's interest (Where available) | Valuation method used for current value | Current value of debtor's interest |
|-----|--|---|---|------------------------------------|
| 39. | Office furniture office furniture | <u>Unknown</u> | | <u>\$2,000.00</u> |

40. **Office fixtures**

| | | | |
|-----|---|----------------|-------------------|
| 41. | Office equipment, including all computer equipment and communication systems equipment and software office computers and related equipment | <u>Unknown</u> | <u>\$2,000.00</u> |
|-----|---|----------------|-------------------|

42. **Collectibles** Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; china and crystal; stamp, coin, or baseball card collections; other collections, memorabilia, or collectibles

43. **Total of Part 7.** _____ **\$4,000.00**
Add lines 39 through 42. Copy the total to line 86.

44. **Is a depreciation schedule available for any of the property listed in Part 7?**

- No
 Yes

45. **Has any of the property listed in Part 7 been appraised by a professional within the last year?**

- No
 Yes

Part 8: Machinery, equipment, and vehicles

46. **Does the debtor own or lease any machinery, equipment, or vehicles?**

Debtor Kirby Construction Group, LLC _____ Case number (*If known*) _____
 Name _____

- No. Go to Part 9.
 Yes Fill in the information below.

| General description Include year, make, model, and identification numbers (i.e., VIN, HIN, or N-number) | Net book value of debtor's interest (Where available) | Valuation method used for current value | Current value of debtor's interest |
|---|---|--|---------------------------------------|
|---|---|--|---------------------------------------|

47. **Automobiles, vans, trucks, motorcycles, trailers, and titled farm vehicles**

| | | |
|-----------------------------|----------------|--------------------|
| 47.1. <u>Yale forklit</u> | <u>Unknown</u> | <u>\$15,536.00</u> |
| 47.2. <u>racking system</u> | <u>Unknown</u> | <u>\$31,560.00</u> |

48. **Watercraft, trailers, motors, and related accessories** Examples: Boats, trailers, motors, floating homes, personal watercraft, and fishing vessels

49. **Aircraft and accessories**

50. **Other machinery, fixtures, and equipment (excluding farm machinery and equipment)**

51. **Total of Part 8.**

Add lines 47 through 50. Copy the total to line 87.

\$47,096.00

52. **Is a depreciation schedule available for any of the property listed in Part 8?**

- No
 Yes

53. **Has any of the property listed in Part 8 been appraised by a professional within the last year?**

- No
 Yes

Part 9: Real property

54. **Does the debtor own or lease any real property?**

- No. Go to Part 10.
 Yes Fill in the information below.

Part 10: Intangibles and intellectual property

59. **Does the debtor have any interests in intangibles or intellectual property?**

- No. Go to Part 11.
 Yes Fill in the information below.

Part 11: All other assets

70. **Does the debtor own any other assets that have not yet been reported on this form?**

Include all interests in executory contracts and unexpired leases not previously reported on this form.

- No. Go to Part 12.
 Yes Fill in the information below.

Debtor Kirby Construction Group, LLC _____ Case number (*If known*) _____
 Name _____

Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form

| Type of property | Current value of personal property | Current value of real property |
|--|------------------------------------|--------------------------------|
| 80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i> | \$30,439.10 | |
| 81. Deposits and prepayments. <i>Copy line 9, Part 2.</i> | \$4,200.00 | |
| 82. Accounts receivable. <i>Copy line 12, Part 3.</i> | \$6,034.90 | |
| 83. Investments. <i>Copy line 17, Part 4.</i> | \$0.00 | |
| 84. Inventory. <i>Copy line 23, Part 5.</i> | \$1,306.93 | |
| 85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i> | \$0.00 | |
| 86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i> | \$4,000.00 | |
| 87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i> | \$47,096.00 | |
| 88. Real property. <i>Copy line 56, Part 9.....></i> | | \$0.00 |
| 89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i> | \$0.00 | |
| 90. All other assets. <i>Copy line 78, Part 11.</i> | + \$0.00 | |
| 91. Total. Add lines 80 through 90 for each column | \$93,076.93 | + 91b. \$0.00 |
| 92. Total of all property on Schedule A/B. Add lines 91a+91b=92 | | \$93,076.93 |

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known)

Check if this is an amended filing

Official Form 206D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
 Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

| | | <i>Column A</i> | <i>Column B</i> |
|------------|---|--|--|
| | Amount of claim | Value of collateral that supports this claim | |
| 2.1 | Commercial Industrial Finance Creditor's Name d/b/a Indoff Capital 10024 Office Center Ave. #1500 Saint Louis, MO 63128 Creditor's mailing address | Describe debtor's property that is subject to a lien racking system <hr/> | \$24,932.00 \$31,560.00 |
| | | Describe the lien Equipment Finance Agreement Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | |
| | | Is anyone else liable on this claim? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) | |
| | Creditor's email address, if known Date debt was incurred on or about 5/26/2022 Last 4 digits of account number 2891,8097 Do multiple creditors have an interest in the same property? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority. | As of the petition filing date, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed | |
| 2.2 | Fundbox Creditor's Name Prashant Fuloria, CEO 6900 Dallas Parkway, STE 700 Plano, TX 75024 Creditor's mailing address | Describe debtor's property that is subject to a lien essentially all business assets <hr/> | \$42,048.70 Unknown |
| | | Describe the lien UCC, Revolving Credit Agreement Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | |
| | | Is anyone else liable on this claim? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) | |
| | Creditor's email address, if known Date debt was incurred UCC filed 3/16/2020 Last 4 digits of account number | | |

Debtor Kirby Construction Group, LLC

Case number (if known) _____

Do multiple creditors have an interest in the same property?

- No
- Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

2.3 Richard M. Howe, Esq.

Creditor's Name

for Technology Insurance
Co.
4385 Kimball Bridge Rd
#100
Alpharetta, GA 30022

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

1/27/2023

Last 4 digits of account number

Describe debtor's property that is subject to a lien

\$22,916.68

Unknown

Describe the lien

Consent Final Judgment

Is the creditor an insider or related party?

- No
- Yes

Is anyone else liable on this claim?

- No
- Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

Do multiple creditors have an interest in the same property?

- No
- Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

2.4 U.S. Small Business Admin.

Creditor's Name

Office of Disaster Assistance
14925 Kingsport Rd.
Fort Worth, TX 76155

Creditor's mailing address

Creditor's email address, if known

Date debt was incurred

07/30/2020; amended
10/19/2021

Last 4 digits of account number

8209

Do multiple creditors have an interest in the same property?

- No
- Yes. Specify each creditor, including this creditor and its relative priority.

Describe debtor's property that is subject to a lien

\$400,000.00

Unknown

essentially all business assets

Describe the lien

security agreement and financing statement

Is the creditor an insider or related party?

- No
- Yes

Is anyone else liable on this claim?

- No
- Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

- Contingent
- Unliquidated
- Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

\$489,897.38

Debtor Kirby Construction Group, LLC
Name _____

Case number (if known) _____

Part 2: List Others to Be Notified for a Debt Already Listed in Part 1

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to be notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address

On which line in Part 1 did
you enter the related creditor?

Last 4 digits of
account number for
this entity

First Electronic Bank
Derek Higginbotham, CEO
2150 S 1300 E; Ste 400
Salt Lake City, UT 84106

Line 2.2

FundBox
c/o Sequium Asset Solutions
1130 Northchase Pkwy SE Ste 15
Marietta, GA 30067-6429

Line 2.2

Lester J. Hubble, Esq.
for Indoff Capital
5353 S. Lindbergh Blvd #210
Saint Louis, MO 63126

Line 2.1

Republic Bank; Collections
formerly Commercial Industrial
10024 Office Center Avenue
Saint Louis, MO 63128

Line 2.1

8097

U.S. Attorney
600 Richard Russell Building
75 Spring Street, SW
Atlanta, GA 30303

Line 2.4

U.S. Small Business Admin.
GA District Office
233 Peachtree Street NE; #300
Atlanta, GA 30303

Line 2.4

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

 Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

No. Go to Part 2.
 Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

| | | Total claim | Priority amount |
|-----|--|--|-----------------------|
| 2.1 | Priority creditor's name and mailing address Georgia Department of Revenue ARCS - Bankruptcy 1800 Century Blvd NE Ste 9100 Atlanta, GA 30345-3202 Date or dates debt was incurred Last 4 digits of account number Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8) | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: notice only Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$0.00 \$0.00 |
| 2.2 | Priority creditor's name and mailing address Internal Revenue Service (CIO) PO Box 7346 Philadelphia, PA 19101-7346 Date or dates debt was incurred Last 4 digits of account number Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8) | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: payroll withholding and unemployment tax Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$6,425.20 \$6,425.20 |

Part 2: List All Creditors with NONPRIORITY Unsecured Claims

3. List in alphabetical order all of the creditors with nonpriority unsecured claims. If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

Amount of claim

| | | | |
|--------|---|--|-------------------|
| Debtor | Kirby Construction Group, LLC | Case number (if known) | |
| Name | | | |
| 3.1 | Nonpriority creditor's name and mailing address Andrew Kirby Sr 2760 Glad Dale Conyers, GA 30094 Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _ | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>wages</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$4,507.70 |
| 3.2 | Nonpriority creditor's name and mailing address Anitra Kirby 570 Brown Church Road Social Circle, GA 30025 Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _ | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>wages</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$4,432.83 |
| 3.3 | Nonpriority creditor's name and mailing address Armstong Relocation Services 6950 Business Court Atlanta, GA 30340 Date(s) debt was incurred _ Last 4 digits of account number _ | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$4,926.17 |
| 3.4 | Nonpriority creditor's name and mailing address Artistic Builders Supply Ace Hardware 963 Buford Dr C Lawrenceville, GA 30043 Date(s) debt was incurred _ Last 4 digits of account number <u>3133</u> | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$5,209.00 |
| 3.5 | Nonpriority creditor's name and mailing address Atlanta Specialty Millworks 1360 Logan Cir NW Atlanta, GA 30318 Date(s) debt was incurred _ Last 4 digits of account number _ | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$3,048.30 |
| 3.6 | Nonpriority creditor's name and mailing address Build.com #3700 c/o DAL, Inc. PO Box 162 Clifton Heights, PA 19018 Date(s) debt was incurred _ Last 4 digits of account number <u>7135</u> | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$9,313.18 |
| 3.7 | Nonpriority creditor's name and mailing address Caroline Smith 1504 Aurora Ave Cleveland, TN 37311 Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _ | As of the petition filing date, the claim is: Check all that apply. <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>wages</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$737.59 |

| | | |
|---|--|--|
| Debtor | Kirby Construction Group, LLC | Case number (if known) |
| Name | | |
| 3.8 | Nonpriority creditor's name and mailing address Citibank PO Box 790411 Saint Louis, MO 63179 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$8,404.40 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: Home Depot Commercial Revolve credit card |
| Last 4 digits of account number _____ | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.9 | Nonpriority creditor's name and mailing address City Electric Supply Dallas Division 400 S Record St Ste 1250 Dallas, TX 75202-4839 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$1,179.35 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: account payable |
| Last 4 digits of account number _____ | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.10 | Nonpriority creditor's name and mailing address Color Schemes Corporation 321 Vineyard Drive Athens, GA 30607 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$5,450.00 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: account payable |
| Last 4 digits of account number _____ | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.11 | Nonpriority creditor's name and mailing address Dakota Cormican 1004 C St La Porte, IN 46350 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$1,194.59 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> | | Basis for the claim: wages |
| Last 4 digits of account number _____ | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.12 | Nonpriority creditor's name and mailing address Hardware Resources c/o Transworld Systems Inc. 500 Virginia Drive, Suite 514 Fort Washington, PA 19034 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$9,785.54 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: account payable |
| Last 4 digits of account number <u>2023</u> | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.13 | Nonpriority creditor's name and mailing address Houzz Legal Dept. 285 Hamilton Avenue, 4th Floor Palo Alto, CA 94301 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$2,514.00 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input checked="" type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: Pro-Services Agreement |
| Last 4 digits of account number _____ | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.14 | Nonpriority creditor's name and mailing address Interceramic Inc. c/o CST World Wide PO Box 224768 Dallas, TX 75222-4768 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$2,285.27 <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed |
| Date(s) debt was incurred _____ | | Basis for the claim: account payable |
| Last 4 digits of account number <u>2334</u> | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |

| | | | |
|---|---|--|--------------------|
| Debtor | Kirby Construction Group, LLC | Case number (if known) | |
| Name | | | |
| 3.15 | Nonpriority creditor's name and mailing address KCG Flooring & Design LLC 5365 Dividend Drive, Suite F Decatur, GA 30035 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: account payable Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$35,212.85 |
| Date(s) debt was incurred _____ Last 4 digits of account number _____ | | | |
| 3.16 | Nonpriority creditor's name and mailing address Kendal Campbell 318 Caruthers Ave Hohenwald, TN 38462 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: wages Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$1,337.66 |
| Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _____ | | | |
| 3.17 | Nonpriority creditor's name and mailing address Leaf Funding, Inc. Legal Dept. 2005 Market Street 14th Floor Philadelphia, PA 19103 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input checked="" type="checkbox"/> Contingent <input checked="" type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: possible deficiency balance regarding copier reposessed April 2024 Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | Unknown |
| Date(s) debt was incurred _____ Last 4 digits of account number _____ | | | |
| 3.18 | Nonpriority creditor's name and mailing address Lime Granite dba Toro Granite 3853 Green Industrial Way Atlanta, GA 30341-1911 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: account payable Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$1,206.90 |
| Date(s) debt was incurred _____ Last 4 digits of account number _____ | | | |
| 3.19 | Nonpriority creditor's name and mailing address Mikeitz Realty (Snapfinger GA) c/o Dalfen Ind. - S. Cantrell 5607 Glenridge Dr. Ste 460 Atlanta, GA 30342 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: premises lease arrearage Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$20,294.64 |
| Date(s) debt was incurred <u>premises lease dated May 26, 2021</u> Last 4 digits of account number _____ | | | |
| 3.20 | Nonpriority creditor's name and mailing address Panet Peterson 206 Bond Drive Ellenwood, GA 30294 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: wages Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$1,670.28 |
| Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _____ | | | |
| 3.21 | Nonpriority creditor's name and mailing address Robert Kirby 570 Brown Church Road Social Circle, GA 30025 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: wages Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$3,099.94 |
| Date(s) debt was incurred <u>11/24/2022 - 1/19/2023</u> Last 4 digits of account number _____ | | | |

| | | | |
|--------|--|---|-------------------|
| Debtor | Kirby Construction Group, LLC | Case number (if known) | |
| | Name | | |
| 3.22 | Nonpriority creditor's name and mailing address Rosen Materials c/o Vericore 10115 Kincey Avenue, Suite 100 Huntersville, NC 28078-6482 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$3,133.90 |
| 3.23 | Nonpriority creditor's name and mailing address Sherwin Williams Paint 1561 Highway 138 SE Conyers, GA 30013-1278 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$2,338.42 |
| 3.24 | Nonpriority creditor's name and mailing address Social Circle Ace Home Center 181 S Cherokee Rd, Social Circle, GA 30025 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$1,163.95 |
| 3.25 | Nonpriority creditor's name and mailing address Southern Wholesale Flooring Co 955 Cobb Place Blvd NW Kennesaw, GA 30144 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$4,996.23 |
| 3.26 | Nonpriority creditor's name and mailing address Spahn & Rose Lumber Company 1100 Rockdale Road Dubuque, IA 52003-7875 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$4,251.44 |
| 3.27 | Nonpriority creditor's name and mailing address Suzanne Elliott 40 Highlands Way Oxford, GA 30054 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>wages</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$839.33 |
| 3.28 | Nonpriority creditor's name and mailing address Top Knobs USA c/o Transworld Systems Inc. 500 Virginia Drive, Suite 514 Fort Washington, PA 19034 | As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: <u>account payable</u> Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | \$883.65 |

| | | |
|--------|--|---|
| Debtor | Kirby Construction Group, LLC | Case number (if known) |
| | Name | |
| 3.29 | Nonpriority creditor's name and mailing address Tucker Acoustical Products Inc 2014 Steel Drive Tucker, GA 30084 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$932.52 |
| | <input type="checkbox"/> Contingent | |
| | <input type="checkbox"/> Unliquidated | |
| | <input type="checkbox"/> Disputed | |
| | Date(s) debt was incurred _____ Last 4 digits of account number <u>2184</u> | Basis for the claim: <u>account payable</u> |
| | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.30 | Nonpriority creditor's name and mailing address Wells Fargo Bank PO Box 51174 Los Angeles, CA 90051-5474 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$17,594.77 |
| | <input type="checkbox"/> Contingent | |
| | <input type="checkbox"/> Unliquidated | |
| | <input type="checkbox"/> Disputed | |
| | Date(s) debt was incurred _____ Last 4 digits of account number <u>9216</u> | Basis for the claim: <u>line of credit</u> |
| | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |
| 3.31 | Nonpriority creditor's name and mailing address Wex Bank c/o Frontline Asset Strategies 2700 Snelling Ave N, Ste 450 Saint Paul, MN 55113 | As of the petition filing date, the claim is: <i>Check all that apply.</i> \$6,031.64 |
| | <input type="checkbox"/> Contingent | |
| | <input type="checkbox"/> Unliquidated | |
| | <input type="checkbox"/> Disputed | |
| | Date(s) debt was incurred _____ Last 4 digits of account number <u>2796</u> | Basis for the claim: <u>account payable</u> |
| | | Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes |

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

| | Name and mailing address | On which line in Part1 or Part 2 is the related creditor (if any) listed? | Last 4 digits of account number, if any |
|-----|---|---|---|
| 4.1 | A.G. Adjustments, Ltd. for Sherwin Williams Paint 740 Walt Whitman Road Melville, NY 11747 | Line <u>3.23</u> | <u>OAGA</u> |
| | | <input type="checkbox"/> Not listed. Explain _____ | |
| 4.2 | C2C Resources, LLC 1455 Lincoln Pkwy E Suite 550 Atlanta, GA 30346 | Line <u>3.18</u> | — |
| | | <input type="checkbox"/> Not listed. Explain _____ | |
| 4.3 | Dept. of Justice-Tax Division Civil Trial §, So. Region POBox14198, BenFranklinStation Washington, DC 20044 | Line <u>2.2</u> | — |
| | | <input type="checkbox"/> Not listed. Explain _____ | |
| 4.4 | Edge Business Systems LLC 1350 Northmeadow Pkwy Roswell, GA 30076 | Line <u>3.17</u> | — |
| | | <input type="checkbox"/> Not listed. Explain _____ | |
| 4.5 | Internal Revenue Service Stop 334D 401 W. Peachtree Street Atlanta, GA 30308 | Line <u>2.2</u> | — |
| | | <input type="checkbox"/> Not listed. Explain _____ | |
| 4.6 | Todd Sprinkle, Esq. for Mikeitz Realty 1075 Peachtree Street NE #1500 Atlanta, GA 30339 | Line <u>3.19</u> | — |
| | | <input type="checkbox"/> Not listed. Explain _____ | |

| | | |
|--------|--|--|
| Debtor | Kirby Construction Group, LLC Name | Case number (if known) |
| | Name and mailing address | On which line in Part 1 or Part 2 is the related creditor (if any) listed? |
| 4.7 | United States Attorney 600 Richard B Russell Building 75 Ted Turner Drive, S.W. Atlanta, GA 30303-3309 | Line <u>2.2</u> <input type="checkbox"/> Not listed. Explain _____ |
| 4.8 | United States Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 | Line <u>2.2</u> <input type="checkbox"/> Not listed. Explain _____ |

Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2

Lines 5a + 5b = 5c.

| Total of claim amounts | | |
|------------------------|----|----------------------|
| 5a. | \$ | 6,425.20 |
| 5b. | + | \$ 167,976.04 |
| 5c. | \$ | 174,401.24 |

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

Check if this is an amended filing

Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B).

2. List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.1. State what the contract or lease is for and the nature of the debtor's interest

premises lease dated May 26, 2021 with landlord Mikeitz Realty (Snapfinger Georgia) ADA Compliant Limited Partnership regarding business premises improved with commercial building having an address of 5365 Dividend Drive, Suite F, Decatur, GA 30035

State the term remaining

8/31/28

Dalfen Industrial LLC Susan Cantrell, Property Mngr 5607 Glenridge Dr, Ste 460 Atlanta, GA 30342

List the contract number of any government contract

2.2. State what the contract or lease is for and the nature of the debtor's interest

Pro-Services Agreement (business software)

State the term remaining

Houzz Legal Dept. 285 Hamilton Avenue, 4th Floor Palo Alto, CA 94301

List the contract number of any government contract

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

Check if this is an amended filing

Official Form 206H Schedule H: Your Codebtors

12/15

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Do you have any codebtors?

- No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.
 Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

Column 1: Codebtor

Column 2: Creditor

| Name | Mailing Address | Name | Check all schedules that apply: |
|------|-----------------|------|---------------------------------|
|------|-----------------|------|---------------------------------|

| | | | | |
|-----|-------------------|------------------------------------|----------------------------|--|
| 2.1 | Andrew Kirby, Jr. | P.O. Box 1926 Decatur, GA 30035 | U.S. Small Business Admin. | <input checked="" type="checkbox"/> D <u>2.4</u> <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____ |
|-----|-------------------|------------------------------------|----------------------------|--|

| | | | | |
|-----|-------------------|------------------------------------|-------------------------------|--|
| 2.2 | Andrew Kirby, Jr. | P.O. Box 1926 Decatur, GA 30035 | Commercial Industrial Finance | <input checked="" type="checkbox"/> D <u>2.1</u> <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____ |
|-----|-------------------|------------------------------------|-------------------------------|--|

| | | | | |
|-----|-------------------|------------------------------------|--------------------|---|
| 2.3 | Andrew Kirby, Jr. | P.O. Box 1926 Decatur, GA 30035 | Leaf Funding, Inc. | <input type="checkbox"/> D _____ <input checked="" type="checkbox"/> E/F <u>3.17</u> <input type="checkbox"/> G _____ |
|-----|-------------------|------------------------------------|--------------------|---|

| | | | | |
|-----|-------------------|------------------------------------|---------|--|
| 2.4 | Andrew Kirby, Jr. | P.O. Box 1926 Decatur, GA 30035 | Fundbox | <input checked="" type="checkbox"/> D <u>2.2</u> <input type="checkbox"/> E/F _____ <input type="checkbox"/> G _____ |
|-----|-------------------|------------------------------------|---------|--|

Fill in this information to identify the case:

Debtor name **Kirby Construction Group, LLC**

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

Check if this is an amended filing

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy

04/22

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

None.

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue
Check all that apply

Gross revenue
(before deductions and exclusions)

From the beginning of the fiscal year to filing date:
From 1/01/2023 to Filing Date

Operating a business

\$250,869.74

Other _____

For prior year:
From 1/01/2022 to 12/31/2022

Operating a business

\$988,303.25

Other _____

For year before that:
From 1/01/2021 to 12/31/2021

Operating a business

\$1,118,012.56

Other _____

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

None.

Description of sources of revenue

Gross revenue from each source
(before deductions and exclusions)

Part 2: List Certain Transfers Made Before Filing for Bankruptcy

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers--including expense reimbursements--to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$7,575. (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

None.

Creditor's Name and Address

Dates

Total amount of value

Reasons for payment or transfer
Check all that apply

Debtor

Kirby Construction Group, LLC

Case number (if known) _____

| Creditor's Name and Address | Dates | Total amount of value | Reasons for payment or transfer Check all that apply |
|--|----------|-----------------------|--|
| 3.1. Legacy Electrical Services Inc. 2421 C Lance Court Loganville, GA 30052 | 9/1/2023 | \$10,000.00 | <input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input checked="" type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____ |

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$7,575. (This amount may be adjusted on 4/01/25 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

 None.

| Insider's name and address Relationship to debtor | Dates | Total amount of value | Reasons for payment or transfer |
|--|-------|-----------------------|---------------------------------|
|--|-------|-----------------------|---------------------------------|

5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

 None

| Creditor's name and address | Describe of the Property | Date | Value of property |
|--|--------------------------|------------|-------------------|
| Leaf Funding, Inc. Legal Dept. 2005 Market Street 14th Floor Philadelphia, PA 19103 | copier | April 2023 | Unknown |

6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

 None

| Creditor's name and address | Description of the action creditor took | Date action was taken | Amount |
|-----------------------------|---|-----------------------|--------|
|-----------------------------|---|-----------------------|--------|

Part 3: Legal Actions or Assignments**7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

 None.

| Case title Case number | Nature of case | Court or agency's name and address | Status of case |
|--|---|---------------------------------------|---|
| 7.1. Commercial Industrial Finance d/b/a Indoff Capital vs. Kirby Construction Group, LLC, et al 23SL-AC19485 | collections regarding equipment finance agreement and personal guaranty | Circuit Court of St. Louis County, MO | <input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded |

Debtor

Kirby Construction Group, LLC

Case number (if known) _____

| Case title Case number | Nature of case | Court or agency's name and address | Status of case |
|--|----------------|------------------------------------|---|
| 7.2. Technology Insurance Company vs. Kirby Construction Group, LLC 2020CV1568 | | State Court of Rockdale County | <input type="checkbox"/> Pending <input type="checkbox"/> On appeal <input checked="" type="checkbox"/> Concluded |

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

 None**Part 4: Certain Gifts and Charitable Contributions****9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000** None

| Recipient's name and address | Description of the gifts or contributions | Dates given | Value |
|------------------------------|---|-------------|-------|
|------------------------------|---|-------------|-------|

Part 5: Certain Losses**10. All losses from fire, theft, or other casualty within 1 year before filing this case.** None

| Description of the property lost and how the loss occurred | Amount of payments received for the loss | Dates of loss | Value of property lost |
|---|--|---------------|------------------------|
| If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property). | | | |

Part 6: Certain Payments or Transfers**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

 None.

| Who was paid or who received the transfer? Address | If not money, describe any property transferred | Dates | Total amount or value |
|---|---|--------------------------|-----------------------|
| 11.1. Paul Reece Marr, P.C. 6075 Barfield Road Suite 213 Sandy Springs, GA 30328-4402 | \$16,738.00 (\$15,000.00 retainer + \$1,738.00 Petition filing fee) | 8/25/2023 - 8/29/2023 | \$16,738.00 |

Email or website address
paul.marr@marrlegal.com

Who made the payment, if not debtor?

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Debtor Kirby Construction Group, LLC

Case number (if known) _____

Do not include transfers already listed on this statement.

 None.

| Name of trust or device | Describe any property transferred | Dates transfers were made | Total amount or value |
|-------------------------|-----------------------------------|---------------------------|-----------------------|
|-------------------------|-----------------------------------|---------------------------|-----------------------|

13. Transfers not already listed on this statement

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

 None.

| Who received transfer? Address | Description of property transferred or payments received or debts paid in exchange | Date transfer was made | Total amount or value |
|--|--|-------------------------|--------------------------|
| 13.1 Carl James Baker III 8201 Plantation Trace Covington, GA 30014 | 2006 Ford Econline Van | 8/22/2023 | \$4,500.00 |
| Relationship to debtor none | | | |
| 13.2 Craig Cleveland 230 Chateau Drive Fayetteville, GA 30214 | 2013 Ford Transit Connect | 8/22/2023 | \$5,500.00 |
| Relationship to debtor none | | | |
| 13.3 Professional Drywall Finishings LLC Mark Grubb 3882 Sugar Creek Dr Douglasville, GA 30135 | debtor transferred a 2006 F250 Super Duty Diesel truck VIN #4605 to Professional Drywall Finishings LLC in payment of a \$10,000.00 invoice | on or about 4/7/2023 | \$6,000.00 |
| Relationship to debtor subcontractor | | | |

Part 7: Previous Locations**14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

 Does not apply

| Address | Dates of occupancy From-To |
|---------|-------------------------------|
|---------|-------------------------------|

Part 8: Health Care Bankruptcies**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

 No. Go to Part 9. Yes. Fill in the information below.

Debtor

Kirby Construction Group, LLC

Case number (if known)

| Facility name and address | Nature of the business operation, including type of services the debtor provides | If debtor provides meals and housing, number of patients in debtor's care |
|---------------------------|--|---|
|---------------------------|--|---|

Part 9: Personally Identifiable Information

16. Does the debtor collect and retain personally identifiable information of customers?

- No.
- Yes. State the nature of the information collected and retained.

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- No. Go to Part 10.
- Yes. Does the debtor serve as plan administrator?

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units

18. Closed financial accounts

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

- None

| Financial Institution name and Address | Last 4 digits of account number | Type of account or instrument | Date account was closed, sold, moved, or transferred | Last balance before closing or transfer |
|--|---------------------------------|-------------------------------|--|---|
|--|---------------------------------|-------------------------------|--|---|

19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

- None

| Depository institution name and address | Names of anyone with access to it Address | Description of the contents | Does debtor still have it? |
|---|---|-----------------------------|----------------------------|
|---|---|-----------------------------|----------------------------|

20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

- None

| Facility name and address | Names of anyone with access to it | Description of the contents | Does debtor still have it? |
|---------------------------|-----------------------------------|-----------------------------|----------------------------|
|---------------------------|-----------------------------------|-----------------------------|----------------------------|

Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own

21. Property held for another

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

- None

Part 12: Details About Environment Information

For the purpose of Part 12, the following definitions apply:

Environmental law means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

Debtor Kirby Construction Group, LLC

Case number (if known) _____

Site means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

Hazardous material means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. **Has the debtor been a party in any judicial or administrative proceeding under any environmental law?** Include settlements and orders.

- No.
- Yes. Provide details below.

| Case title Case number | Court or agency name and address | Nature of the case | Status of case |
|---------------------------|----------------------------------|--------------------|----------------|
|---------------------------|----------------------------------|--------------------|----------------|

23. **Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

- No.
- Yes. Provide details below.

| Site name and address | Governmental unit name and address | Environmental law, if known | Date of notice |
|-----------------------|------------------------------------|-----------------------------|----------------|
|-----------------------|------------------------------------|-----------------------------|----------------|

24. **Has the debtor notified any governmental unit of any release of hazardous material?**

- No.
- Yes. Provide details below.

| Site name and address | Governmental unit name and address | Environmental law, if known | Date of notice |
|-----------------------|------------------------------------|-----------------------------|----------------|
|-----------------------|------------------------------------|-----------------------------|----------------|

Part 13: Details About the Debtor's Business or Connections to Any Business

25. **Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- None

| Business name address | Describe the nature of the business | Employer Identification number Do not include Social Security number or ITIN. | Dates business existed |
|-----------------------|-------------------------------------|--|------------------------|
|-----------------------|-------------------------------------|--|------------------------|

26. **Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

- None

| Name and address | Date of service From-To |
|------------------|----------------------------|
|------------------|----------------------------|

26a.1. **Kirby Construction Group, LLC**
Andrew Kirby, Jr.
PO Box 1926
Conyers, GA 30012

26a.2. **Chrsta Aiani, EA**
CAEA - Tax & Accounting
2330 scenic Hwy S Suite 115
Snellville, GA 30078

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

Debtor Kirby Construction Group, LLC

Case number (if known)

 None

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

 None

Name and address
If any books of account and records are unavailable, explain why

26c.1. Kirby Construction Group, LLC

Andrew Kirby, Jr.
PO Box 1926
Conyers, GA 30012

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

 None

Name and address
27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

 No

 Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory
Date of inventory
The dollar amount and basis (cost, market, or other basis) of each inventory

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

| Name | Address | Position and nature of any interest | % of interest, if any |
|-------------------|----------------------------------|-------------------------------------|-----------------------|
| Andrew Kirby, Jr. | PO Box 1926 Conyers, GA 30012 | sole officer and member | 100 |

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

 No

 Yes. Identify below.

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

 No

 Yes. Identify below.

| Name and address of recipient | Amount of money or description and value of property | Dates | Reason for providing the value |
|---|--|-----------------------|--------------------------------|
| 30.1 Andrew Kirby P.O. Box 1926 Decatur, GA 30035 | \$18,783.96 salary + \$8,012.55 owner distributions | 365 days pre-petition | compensation and distributions |
| Relationship to debtor sole member and officer | | | |

Debtor Kirby Construction Group, LLC Case number (*if known*) _____

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- No
 Yes. Identify below.

Name of the parent corporation

Employer Identification number of the parent corporation

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- No
 Yes. Identify below.

Name of the pension fund

Employer Identification number of the pension fund

Debtor Kirby Construction Group, LLC

Case number (*if known*) _____

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both.
18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 13, 2023

/s/ Andrew C. Kirby, Jr.

Signature of individual signing on behalf of the debtor

Andrew C. Kirby, Jr.

Printed name

Position or relationship to debtor Manager

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- No
 Yes

**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re **Kirby Construction Group, LLC**

Debtor(s)

Case No.

Chapter

11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

| | |
|---|---------------------|
| For legal services, I have agreed to accept | \$ 15,000.00 |
| Prior to the filing of this statement I have received | \$ 15,000.00 |
| Balance Due | \$ 0.00 |

2. \$ **1,738.00** of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor Other (specify):

4. The source of compensation to be paid to me is:

Debtor Other (specify):

5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:
representation of the debtor(s) in adversary proceedings.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

September 13, 2023

Date

/s/ Paul Reece Marr GA Bar #

Paul Reece Marr GA Bar # 471230

Signature of Attorney

Paul Reece Marr, P.C.

6075 Barfield Road

Suite 213

Sandy Springs, GA 30328-4402

(770) 984-2255 Fax: (678) 623-5109

paul.marr@marrlegal.com

Name of law firm

**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re Kirby Construction Group, LLC _____ Case No. _____
Debtor(s) Chapter 11 _____

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

| Name and last known address or place of business of holder | Security Class | Number of Securities | Kind of Interest |
|--|----------------|----------------------|-------------------|
| Andrew Kirby, Jr. PO Box 1926 Conyers, GA 30012 | 100% | | membership |

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Manager** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date September 13, 2023 Signature /s/ Andrew C. Kirby, Jr.
Andrew C. Kirby, Jr.

Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re Kirby Construction Group, LLC _____ Case No. _____
Debtor(s) Chapter 11 _____

VERIFICATION OF CREDITOR MATRIX

I, the Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: September 13, 2023

/s/ Andrew C. Kirby, Jr.
Andrew C. Kirby, Jr./Manager
Signer>Title

A.G. Adjustments, Ltd.
for Sherwin Williams Paint
740 Walt Whitman Road
Melville, NY 11747

Andrew Kirby Sr
2760 Glad Dale
Conyers, GA 30094

Andrew Kirby, Jr.
P.O. Box 1926
Decatur, GA 30035

Anitra Kirby
570 Brown Church Road
Social Circle, GA 30025

Armstong Relocation Services
6950 Business Court
Atlanta, GA 30340

Artistic Builders Supply
Ace Hardware
963 Buford Dr C
Lawrenceville, GA 30043

Atlanta Specialty Millworks
1360 Logan Cir NW
Atlanta, GA 30318

Build.com #3700
c/o DAL, Inc.
PO Box 162
Clifton Heights, PA 19018

C2C Resources, LLC
1455 Lincoln Pkwy E Suite 550
Atlanta, GA 30346

Caroline Smith
1504 Aurora Ave
Cleveland, TN 37311

Citibank
PO Box 790411
Saint Louis, MO 63179

City Electric Supply
Dallas Division
400 S Record St Ste 1250
Dallas, TX 75202-4839

Color Schemes Corporation
321 Vineyard Drive
Athens, GA 30607

Commercial Industrial Finance
d/b/a Indoff Capital
10024 Office Center Ave. #1500
Saint Louis, MO 63128

Dakota Cormican
1004 C St
La Porte, IN 46350

Dalfen Industrial LLC
Susan Cantrell, Property Mngr
5607 Glenridge Dr, Ste 460
Atlanta, GA 30342

Dept. of Justice-Tax Division
Civil Trial §, So. Region
POBox14198, BenFranklinStation
Washington, DC 20044

Edge Business Systems LLC
1350 Northmeadow Pkwy
Roswell, GA 30076

First Electronic Bank
Derek Higginbotham, CEO
2150 S 1300 E; Ste 400
Salt Lake City, UT 84106

Fundbox
Prashant Fuloria, CEO
6900 Dallas Parkway, STE 700
Plano, TX 75024

FundBox
c/o Sequium Asset Solutions
1130 Northchasse Pkwy SE Ste 15
Marietta, GA 30067-6429

Georgia Department of Revenue
ARCS - Bankruptcy
1800 Century Blvd NE Ste 9100
Atlanta, GA 30345-3202

Hardware Resources
c/o Transworld Systems Inc.
500 Virginia Drive, Suite 514
Fort Washington, PA 19034

Houzz
Legal Dept.
285 Hamilton Avenue, 4th Floor
Palo Alto, CA 94301

Interceramic Inc.
c/o CST World Wide
PO Box 224768
Dallas, TX 75222-4768

Internal Revenue Service
Stop 334D
401 W. Peachtree Street
Atlanta, GA 30308

Internal Revenue Service (CIO)
PO Box 7346
Philadelphia, PA 19101-7346

KCG Flooring & Design LLC
5365 Dividend Drive, Suite F
Decatur, GA 30035

Kendal Campbell
318 Caruthers Ave
Hohenwald, TN 38462

Leaf Funding, Inc.
Legal Dept.
2005 Market Street 14th Floor
Philadelphia, PA 19103

Lester J. Hubble, Esq.
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**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re **Kirby Construction Group, LLC**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Kirby Construction Group, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

- None [Check if applicable]

September 13, 2023

Date

/s/ Paul Reece Marr GA Bar #

Paul Reece Marr GA Bar # 471230

Signature of Attorney or Litigant
Counsel for **Kirby Construction Group, LLC**

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